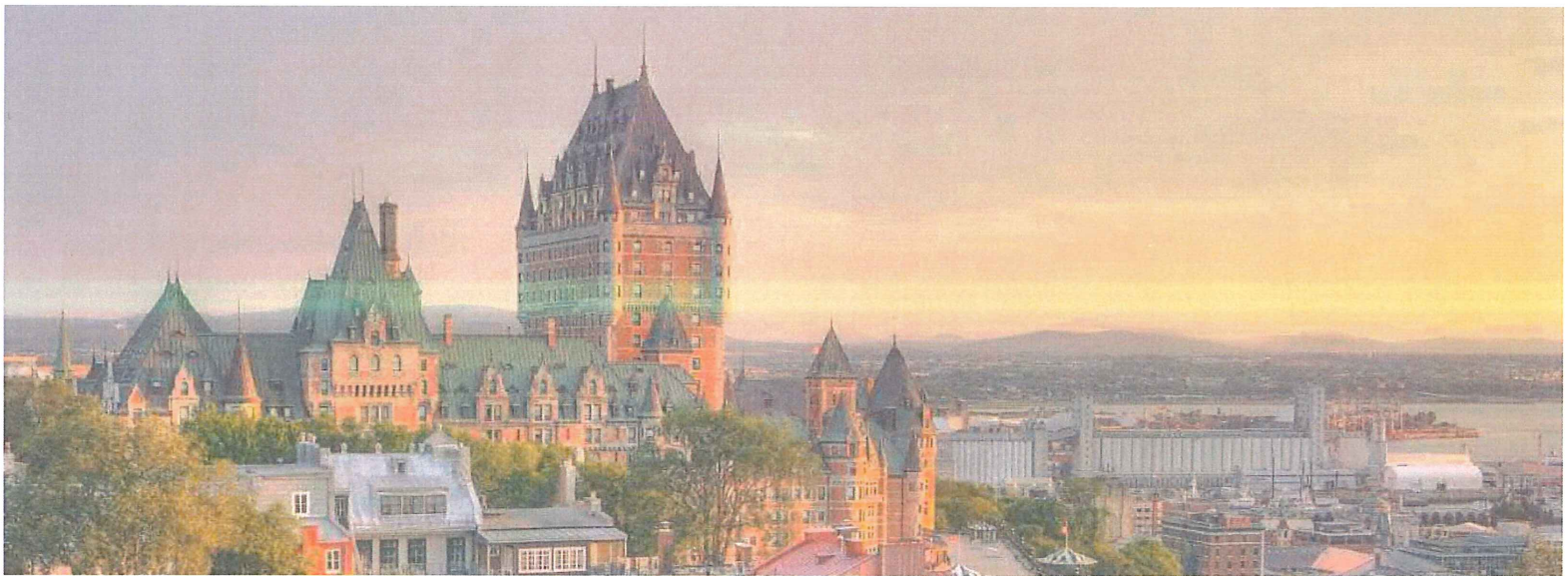


2019 SUMMER SUMMIT

QUÉBEC CITY, QUÉBEC, CANADA

JULY 24-25, 2019



INNOVATIONS IN PROSECUTION: THE COURTROOM, THE COMMUNITY, & THE OFFICE

NDAA's mission is to be the voice of America's prosecutors and to support their efforts to protect the rights and safety of the people.

On July 24-25, 2019, Tim Lohmer, Dan Patterson, Rob Russell, Eric Zahnd and Darrell Moore attended the 2019 Summer Summit of the National District Attorneys Association. The focus of the summit was the many programs America's prosecutors are and have been using through the years to prevent crime and intervene to help individuals be held responsible for violations of the law and be restored to society better equipped to live in their communities as law-abiding, constructive citizens.

America's prosecutors were focused on creative approaches in prevention and intervention long before "criminal justice reform" became the newest media darling. Prosecutors, including here in Missouri, have been helping establish and participate in treatment courts (e.g., drug, DWI, mental health, veterans), restorative justice programs and other diversion programs for several years, some going back two decades or more. This is because career prosecutors recognize the need to devote time and energy not only to see that dangerous, violent and career offenders are vigorously prosecuted and removed from society, but also see the need for alternative programs for first time, nonviolent offenders.

At the summit, programs were highlighted from some of the largest prosecutor offices in the country. Project LEAD is an effective law-related education program established by the Los Angeles County District Attorney's Office in 1993. Prosecutors, investigators and other professional staff from the District Attorney's Office volunteer one hour a week to teach fifth-graders about the criminal justice system.

Brooklyn, NY. District Attorney Darcel Clark discussed how her office is dealing with the flood of opioids and fentanyl. In addition to aggressively going against the traffickers in fentanyl, she started the "Overdose Avoidance and Recovery" Diversion Program.

"The OAR track is an important Criminal Court innovation that will save lives. OAR is not about 'crime and punishment,' but about 'compassion and recovery.' Individuals placed on the OAR track are provided with the network of support and services they need to overcome the deadly disease of addiction and avoid becoming another tragic statistic. In addition to linking defendants with intensive treatment, Bronx Community Solutions will offer job training, housing and other needed services. Those who are assessed as high-risk of overdose and accept the program will have their cases adjourned to one of two specialized drug court parts presided over by Judge Grasso and Criminal Court Judge Linda Poust-Lopez, with prosecution of the case withdrawn pending the OAR outcome. Participants who meaningfully engage in and fulfill treatment will, upon consent of the Court, have their cases dismissed and sealed, eliminating the burden of a criminal record. There are no penalties for defendants who forego the use of OAR and their cases will move ahead in the criminal court process," said Clark as the program was announced.

"A 21st-century prosecutor is not just about prosecuting cases, you know, having people arrested and locked up and throw away the key. We are here to service the entire community," Clark said in an interview earlier this year. That includes defendants as well as victims, she said. "Criminal justice includes all of the community," said Clark, "and as a prosecutor, I have to see myself in that way."

Long Beach City Prosecutor Douglas Haubert uses many creative diversion programs. The latest started in 2016 offers young offenders committing certain misdemeanor offenses the choice to

complete occupational training, mentoring or educational programs in lieu of facing criminal prosecution. Haubert teamed up with the Pacific Gateway Workforce Investment Network (PGWIN) to develop the Promising Adults, Tomorrow's Hope (PATH) initiative for youth between 16 and 24 who committed a minor offense.

"Instead of only considering traditional criminal punishment, in some cases we need to look at rehabilitative methods," said Haubert in a press release. "Prosecutors need options like effective interventions for first-time, nonviolent offenders." The program uses a data-driven approach based on adolescent brain development research to steer young offenders away from prison and into programs tailored to their specific issues.

Effective August 28th, Missouri's Prosecutors will have specific legislative authority to establish and pursue such diversion programs. HB 547 encourages and makes it official state policy that diversion programs should be part of any prosecutor's toolbox in holding offenders accountable, allowing the victim the opportunity for more involvement and having the offender pay restitution to the victim quickly. While a few prosecutors already use some diversion programs, some prosecutors and others feel that there was a need to have specific statutory authority and guidelines for the practice.

Effective diversion program on the front end of the criminal justice can have a significant positive impact. For example, restorative justice can and has been proven effective when added to diversion programs. This is because restorative justice is based on "victim offender mediation [which] is primarily 'dialogue- driven,' with the emphasis upon victim healing, offender accountability, and restoration of losses. [from The Victim Sensitive Victim Offender Mediation Training Manual, © 1998 by Dr. Mark S. Umbreit, PhD. Reproduced with permission by the Center for Restorative Justice and Peacemaking, School of Social Work, University of Minnesota]. Many countries are using restorative justice and are finding it very effective in holding offenders accountable, increasing victim satisfaction and restoration, and reducing recidivism.

We are in the preliminary stages of planning one or more symposiums to highlight prevention and intervention programs from across the country and in the state. Stay tuned for future announcements on these symposiums.